

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	:	1616	Customer No. 035811
Examiner	:	Ernst V. Arnold	
Serial No.	:	10/722,737	Docket No.: BSG 021 US
Filed	:	November 25, 2003	(END-09-1164R)
Inventors	:	Bradley S. Galer Arnold R. Gammaitonni Robert H. Dworkin	Confirmation No.: 7300
Title	:	COMPOSITIONS AND METHODS FOR TREATING NEUROPATHIC SENSORY LOSS	

Dated: May 28, 2010

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is submitted in response to the Official Action dated December 28, 2009 and the Interview Summary dated February 17, 2010.

The Applicants note with appreciation the courtesy extended by the Examiner for the interview on January 7, 2010. The Applicants also note with appreciation the extensive comments summarizing the interview in the February 17, 2010 Interview Summary. The Applicants fully agree that the summary accurately reflects the substance of the interview and believe that further comments would merely be repetitive.

Claims 1-11 are rejected as anticipated under 35 USC §102(b) over Hind as evidenced by Medline and Rowbotham. The Applicants respectfully submit that Hind as evidenced by Medline and Rowbotham is inapplicable to Claims 1-11. Reasons were provided in the interview and are further set forth below.

Basing a rejection on the doctrine of inherent anticipation is an acknowledgement that a primary reference does expressly disclose all the elements of an applicant's claims. Hind does not explicitly disclose a method for treating the indications of "neuropathically-induced sensory phenomena" or "numbness" in patients with the anesthetic compositions recited in the claims. Consequently, the rejection depends on Medline and Rowbotham to show that the methods disclosed